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7	Attorneys for Complainant	
8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS	
9	STATE OF CAL	· ,
10	In the Matter of the Accusation Against:	Case No. 2008-362
11	MARK ANTHONY OANDASAN, aka MARK A. OANDASAN	ACCUSATION
12	5095 Hampton Court Granite Bay, California 95746	
13	Registered Nurse License No. 644197	
14	Respondent.	
15		
16	Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:	
17	<u>PARTIES</u>	
18	1. Complainant brings this Accusation solely in her official capacity as the	
19	Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer	
20	Affairs.	
21	Registered Nurse License	
22	2. On or about September 2, 2004, the Board issued Registered Nurse	
23	License Number 644197 ("license") to Mark Anthony Oandasan, also known as Mark A.	
24	Oandasan ("Respondent"). The license was in full force and effect at all times relevant to the	
25	charges brought herein and will expire on October 31, 2009, unless renewed.	
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27	///	
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JURISDICTION

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
- 5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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CAUSE FOR DISCIPLINE

(Criminal Conviction)

8. Respondent is subject to discipline under Code sections 2761, subdivision (f), in that on September 20, 2007, in the case of *People vs. Mark Anthony Oandasan* (Sup. Ct., Cty of Sacramento, 2007, Case No. 62-70786), Respondent was convicted, by the court on his plea of nolo contendere of a violation of Penal Code section 273.5, subdivision (a) (corporal injury to spouse/cohabitant/former cohabitant/child's parent), a misdemeanor. The circumstances of the crime are that on or about May 20, 2007, Respondent willfully and unlawfully inflicted corporal injury upon W.M., a former cohabitant or child's parent.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 644197, issued to Mark Anthony Oandasan, also known as Mark A. Oandasan;
- 2. Ordering Mark Anthony Oandasan, also known as Mark A. Oandasan to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED:

BŘIAN S. TURNÉR

Deputy Attorney General for

RUTH ANN TERRY, M.P.H., R.N.

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

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PS (4/1/08)